

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ORLANDO GARCIA GIL, and GUSTAVO :
MARTINEZ, :
:
Plaintiffs, :
: 18-CV-10657 (VEC)
-v- :
:
DANNY BENSUSAN, STEVE BENSUSAN, and :
GREENWICH VILLAGE ENTERTAINMENT :
GROUP LLC, :
Defendants. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS Federal Rule of Civil Procedure 25(a)(1) requires an action by or against a decedent to be dismissed if a motion for substitution “is not made within 90 days after service of a statement noting the death”;

WHEREAS on December 11, 2020, Defense counsel filed a statement noting the death of Orlando Garcia Gil (Dkt. 36);

WHEREAS on March 5, 2021, the Court indicated that it would dismiss the case brought by Mr. Gil *sua sponte* if Mr. Gil's successor or representative did not move to be substituted by March 11, 2021 (Dkt. 41);

WHEREAS Mr. Gil's successor or representative has not moved to be substituted as a party;

IT IS HEREBY ORDERED THAT: Pursuant to Federal Rule of Civil Procedure 25(a)(1), Mr. Gil is dismissed as a party in this case. The Clerk of Court is directed to amend the caption accordingly.

SO ORDERED.

Date: March 12, 2021
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge